

ASSEMBLY BILL

No. 1590

Introduced by Assembly Member Campos

February 6, 2012

An act to amend Section 54952 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1590, as introduced, Campos. Local government meetings: legislative body: definition.

Existing law, the Ralph M. Brown Act, requires each legislative body of a local agency to provide the time and place for holding regular meetings and requires that all meetings of a legislative body be open and public and all persons be permitted to attend unless a closed session is authorized. Existing law defines for these purposes the term “legislative body” and includes within that definition a board of a local agency.

This bill would modify the definition of the term “legislative body” to include as a board, an assessment appeals board which may meet in closed session, as specified by another provision of existing law. By extending open meeting requirements to proceedings of assessment appeals boards, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 54952 of the Government Code is
2 amended to read:
3 54952. As used in this chapter, “legislative body” means:
4 (a) The governing body of a local agency or any other local
5 body created by state or federal statute.
6 (b) (1) A commission, committee, board, or other body of a
7 local agency, whether permanent or temporary, decisionmaking
8 or advisory, created by charter, ordinance, resolution, or formal
9 action of a legislative body. However, advisory committees,
10 composed solely of the members of the legislative body that are
11 less than a quorum of the legislative body are not legislative bodies,
12 except that standing committees of a legislative body, irrespective
13 of their composition, which have a continuing subject matter
14 jurisdiction, or a meeting schedule fixed by charter, ordinance,
15 resolution, or formal action of a legislative body are legislative
16 bodies for purposes of this chapter.
17 (2) For purposes of this subdivision, “board” includes an
18 assessment appeals board which may meet in closed session, as
19 provided by Section 1605.4 of the Revenue and Taxation Code.
20 (c) (1) A board, commission, committee, or other multimember
21 body that governs a private corporation, limited liability company,
22 or other entity that either:
23 (A) Is created by the elected legislative body in order to exercise
24 authority that may lawfully be delegated by the elected governing
25 body to a private corporation, limited liability company, or other
26 entity.
27 (B) Receives funds from a local agency and the membership of
28 whose governing body includes a member of the legislative body
29 of the local agency appointed to that governing body as a full
30 voting member by the legislative body of the local agency.
31 (2) Notwithstanding subparagraph (B) of paragraph (1), no
32 board, commission, committee, or other multimember body that
33 governs a private corporation, limited liability company, or other
34 entity that receives funds from a local agency and, as of February
35 9, 1996, has a member of the legislative body of the local agency

1 as a full voting member of the governing body of that private
2 corporation, limited liability company, or other entity shall be
3 relieved from the public meeting requirements of this chapter by
4 virtue of a change in status of the full voting member to a
5 nonvoting member.

6 (d) The lessee of any hospital the whole or part of which is first
7 leased pursuant to subdivision (p) of Section 32121 of the Health
8 and Safety Code after January 1, 1994, where the lessee exercises
9 any material authority of a legislative body of a local agency
10 delegated to it by that legislative body whether the lessee is
11 organized and operated by the local agency or by a delegated
12 authority.

13 SEC. 2. If the Commission on State Mandates determines that
14 this act contains costs mandated by the state, reimbursement to
15 local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.